

Dr hab. S. Redo
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"[Reinvigorating the United Nations](#)"
[Markus Kornprobst](#) & [Sławomir Redo](#) (Co-Editors)
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Today, at the panel, we have come to discuss how to reinvigorate the United Nations at the time, which, I dare say, was a fundamental problem since its post-Second World War establishment. The book we reviewed today deals with ground issues for the Organization.

The book is the outcome of the last year of an international conference at the Vienna-based [Diplomatic Academy](#), established in 1754, when Bucharest and Wallachia were under Ottoman rule, now the world's oldest post-graduate school of international studies, celebrating its 270th anniversary.

Now, we all have been under one UN rule. The UN is not an empire but a "benevolent conqueror,"¹ so the Vienna conference and the resulting book, co-edited by Prof. Markus Kornprobst from the Diplomatic Academy and me, both addressed geopolitical Global North/South developments, prompted initially by the 2022 aggression of Russia in Ukraine but compounded by the COVID-19 pandemic.

Initially, for the UN, that aggression looked like a heart attack in its body. At least so it looked like on the 24th of February (New York time), when about an hour into the United Nations Security Council meeting, the President of the Russian Federation announced in Moscow that a "special military operation" in Ukraine's eastern Donbas region had commenced and that he had asked the Ukrainian troops to put down their arms.² This announcement at the Council's venue in the UN NY HQ and its inaction cannot be more symbolic and telling (if not also ostensible and ominous) to note *de facto* a fault line on global peace and war, indeed of a tectonic nature.

Accordingly, the Vienna Diplomatic Academy invited eminent experts to diagnose various "health" problems of [the UN](#), ranging from war and peace through international criminal justice to public health and developmental aid. High-ranking Austrian Foreign Ministry and [United Nations officials](#) opened the conference. Among the experts, there was Amandeep Singh Gill, the UN Secretary-General's Tech Envoy; Pablo Greiff from the Independent International Commission of Inquiry on Ukraine; Piotr Hofmański, the President of the International Criminal Court; Volker Türk, UN High Commissioner for Human Rights; and representatives of member states from Austria, Canada, Italy and many highly reputable scholars from different disciplines, high-ranking former UN officials, and civil society representatives.

¹ Ch. Volk, *The Law of The Nations and The Civil Law of the World. On Montesquieu's Political Cosmopolitanism*, (in:) S. Kadelbach, T. Kleinlein, D. Roth-Isigkeit (eds.), *Order, and International Law System. The Early History of International Legal Thought from Machiavelli to Hegel*, Oxford: Oxford University Press 2017, p. 242.

² UN Security Council press release SC/14803, Russian Federation Announces 'Special Military Operation' in Ukraine as Security Council Meets in Eleventh-Hour Effort to Avoid Full-Scale Conflict, 23 February 2022, <https://bit.ly/3Z6D9rN>.

From 25 substantive contributors to the conference, we have focused on 11 contributions in the book. These contributions follow an analytical frame; they look at the UN system and inquire into its legal foundations and the social contexts in which these foundations operate. The book provides insight into how to reinvigorate the United Nations by countering various incidental or non-malevolent actions and outcomes by the Member States that violate the principle of sovereignty and equality of nations in many aspects of the UN mandate.

Within the broad spectrum of topics in the book, its leitmotif addresses constructive security challenges through the reform of peacekeeping operations and the veto power of the permanent members of the Security Council, which has the final say on what eventually is or not just. Hence the book's title, "Reinvigorating the United Nations." In this context, I recall the second UN Secretary-General Dag Hammarskjöld (1953-1961) saying that "the United Nations was not created to take mankind to heaven, but to save humanity from hell." Accordingly, neither the UN, our book about it, nor Criminology is to create a perfect society but to prevent the worst aspects of human behaviour from flourishing.

One of those worst aspects is corruption, and my chapter, "Whose law and order?" deals with it from a "win-win" developmental aid perspective. In the 2003 UN Convention against Corruption (UNCAC)³, state parties globally expressed concern about "the seriousness of problems and threats posed by corruption to the stability and security of societies, undermining the institutions and values of democracy, ethical values, and justice and jeopardizing sustainable development and the RoL."³

At the time of the UNCAC's adoption, the expert Report on Africa⁴ claimed that the estimated amount of public funds held in foreign bank accounts stolen in Africa matches more than half of the continent's external debt.⁴ One of the Report's drafters - Michel Camdessus, Executive Director of the International Monetary Fund (1987/2000) - recently interpreted the above estimate to mean that illicit financial flows, including corruption, tax evasion, and illegal transfers from African countries abroad, are twice as high as the aid received by these countries.⁵

I came across this estimate after writing my text, but that estimate confirms that my choice of topic was right. Because of my academic background, in my article, I have concentrated on countering corruption as a phenomenon facilitating irregular migration via eroded independence of the judiciary and likewise compromised other state apparatus. My article shows how one can locally reduce inequalities by enhancing anti-corruption by countering corruption from misappropriated aid funds, including funds recovered from assets accumulated by corrupt businesspeople and officials who stashed them in foreign bank accounts.

³ United Nations Convention against Corruption, 41 UNTS 2349, PP 9.

⁴ Commission for Africa, *Our Common Interest*. Report of the Commission for Africa, 2005, p. 143.

⁵ M. Camdessus, *Rok 2050. Wyzwania i Prognozy*, Wydawnictwo Nieoczywiste 2019, p. 72; W. Gądomski, Francuski ekonomista: Nie zatrzymamy migracji, *Gazeta Wyborcza*, 19 January 2019, <https://bit.ly/43HLvXa>.

In contrast with other articles in the book, I proposed a bottom-up model to counter related corruption in the African continent by creating the case of a fictitious sub-Saharan country, which I named "Subuntia." I interpreted that case in terms of the difference principle developed by John Rawls⁶, an eminent US political scientist and moral philosopher, who passed away in 2001.

The difference principle (DP) allows diverging from strict equality so long as this would make the socially least advantaged materially better off than they would be under strict equality.⁶ My choice of DP was motivated by the suitability of that principle for developmental aid, both for local people and for countries. The DP is a real game changer that helps to engineer socially and economically the [UN 2030 sustainable development goal 10](#), "Reduce inequalities within and among countries," in line with the UN Rule of Law intergovernmental definition quoted in my article.

Currently, goal 10 has diagnostic tools like the Gini coefficient and the Palma ratio, but neither a workable concept nor mechanism to orchestrate inequality reductions. The DP looks like a perfect fit if and when it is taken on board in the past 2030 Agenda developments by and for the succeeding applicants and beneficiaries.

In short, that would be all about my text. Because of space limitations, I could only tackle some UN RoL aspects and sketch some mechanisms and academic concepts that can be used locally to plant the RoL. They will not work in case a technical assistance provider pursues developmental aid benevolently but delivers that aid either negligently (as seems to be China's Belt and Road Initiative projects which suffer from the lack of the RoL elements) or malevolently, as seems to be the case for Russia's assistance to Africa undermining the RoL process.⁷

In both cases, I documented how such practices are counterproductive for RoL developmental aid but still had conceptual difficulties classifying one or another so squarely. In my mind reels one thought expressed by the eminent Polish intellectual Melchior Wańkiewicz (1892-1974), Poland's master of the written word. He wrote: "[W]hat comes from the spirit of a given nation is never ugly, just as the soul of any nation can never be ugly, just as every plant that has grown freely from the ground is beautiful."⁸

⁶ J. Rawls, *A Theory of Justice*, Cambridge, MA: The Belknap Press of Harvard University Press 1971/1999, p. 79.

⁷ My text addresses only one approach in Russian academic circles to country's foreign policy, namely its self-admitted Eurasian globally relevant Messianistic but malevolent objective. It contrasts with present Western and Chinese foreign policy objectives. At the UN Security Council level, it interplays with the "concert of superpowers." For a broader commentary see: M. Dikovitskaya, Does Russia qualify for a Postcolonial discourse? *Ab Imperio* 2002 no. 2, pp. 551-557.

⁸ M. Wańkiewicz, *Na tropach Smętka*, Wydawnictwo Literackie, Warszawa 1974, p. 320.

Last but not least, in the interest of a more comprehensive benevolent developmental aid past the 2030 Sustainable Development Agenda and the text of my book chapter, I would like to finish its presentation by mentioning possible inclusion in that model project application of the Tocqueville effect or paradox that may support successful RoL developmental aid in the future.

First, he very perceptively observed that equality, one of the constitutive elements of the rule of law and a "creative fact" and a "generative force" (as Tocqueville would say), is not an experience that can be imposed by force. Accepting experience is only possible by shaping new egalitarian customs and institutions aimed at their implementation.⁹

Second, "[t]he hatred that men bear to privilege increases in proportion as privileges become fewer and less considerable so that democratic passions would seem to burn most fiercely just when they have least fuel."¹⁰ This is best captured by the aphorism that "the appetite grows by what it feeds on."

In academic terms, this indicates "relative deprivation" between socioeconomic equality and unintended outcomes, that is, demands for more equality which cannot be satisfied. In UN terms, this may mean that "well-to-do" countries and those lagging are not at grips with their constituencies regarding reducing inequality for themselves and others. So, if we apply this relative deprivation concept to the UN, the Organization is a victim of its success. This "victimization" may be because, over eight decades of its work, the Organization has managed to alleviate extreme poverty from potentially over 50 % to just less than 10 of the world population living in "extreme poverty" (with no US dollar worth) in 2023 less than 10 % lived on US\$ 2.15 per day understood as "extreme poverty)."¹¹

In some areas of the world, the UN started by building access to justice from "ground zero" and in others from higher levels. Nowadays, on average, from the overwhelming lack of access to justice in the first decade of the UN's existence, it addresses access to justice needs for some 1.5 billion underprivileged rights.¹² Over the eight decades, some 70 UN legal instruments dealing with one or another facet of access to justice by offenders and victims of crime (traditional, transnational, corruption, and cybercrime) have been adopted and - save one - implemented. This democratizing trend illustrates substantial socioeconomic progress and the positive impact of international development efforts.

However, in the same eight decades, migrants intermittently grew from ca. 175 million in 1945¹³ to 281 million in 2023¹⁴. In 2020, 84 percent of migrants lived in wealthier country

⁹ A. de Tocqueville, *Democracy in America*, transl. H. Reeve, rev. F. Bowen, London: Wordsworth Classics of World Literature 1998, Book I, ch. 15 (XVII), pp. 113-131; Book IV, ch. 4 (IV), pp. 350-355.

¹⁰ *Ibidem*, Book IV, ch. 3 (III), p. 348.

¹¹ D. G. Mahler, *Progress, challenges in ending extreme poverty*, World Bank, 12 July 2023, <https://bit.ly/4fYUQzH>.

¹² D. García-Sayán, Foreword (in:) S. Redo (ed.), *The Rule of Law in Retreat. Challenges to Justice in the United Nations World*, Lanham: Lexington Books 2022.

¹³ P. Gatrell, *Forced Migration during the Second World War: An Introduction, Refugees, Relief, and Resettlement*, Gale, a Cengage Company 2000, p. 15.

¹⁴ International Organization for Migration, *World Migration Report 2024*, <https://bit.ly/3Xp4KTO>.

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than their own.¹⁵ This 84% specifically exemplifies a "relative deprivation" connection between socioeconomic equality or concessions from those in power and the unintended outcomes mentioned. The UN legal instruments promoting social reform worldwide inflate the aspirations in the source countries of migration.¹⁶ Potential migrants might become even more frustrated by lesser social injustices and unable to satisfy them. Consequently, they move to places where their justice needs can be met. This looks like the Tocqueville paradox at work.

Tocqueville paradox may also help to understand why the UN is currently driving on fumes. We need the Organization's refueling. Let's hope that this-month "[Summit of the Future](#)" in New York at the 79th session of the United Nations General Assembly will provide new fuel, as much as at the subsequent events, including the [Fifteenth UN Congress on Crime Prevention and Criminal Justice](#) (Abu Dhabi, UAE, 25-30 April 2026).

¹⁵ Word Bank, *Migrants, Refugees, Societies*, Washington, D. C., p.2, <https://bit.ly/3Z6tdOR>.

¹⁶ Cf. G. Mackie, Frustration and preference change in international migration, *European Journal of Sociology* 1995, Vol. 36, No. 2, pp. 185-208.